

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
ABERDEEN DIVISION**

THE ESTATE OF  
JOSEPH CONWAY MANUS, et al.

PLAINTIFFS

V.

CIVIL ACTION NO. 1:11-CV-00149-SA-DAS

WEBSTER COUNTY, MISSISSIPPI, et al.

DEFENDANTS

**ORDER**

Pursuant to a memorandum opinion issued this day, the Court finds Defendants' motions for summary judgment [173], [177], [289] are GRANTED IN PART and DENIED IN PART.

The Court finds the following claims survive Defendants' motions for summary judgment:

- Unlawful search and seizure by Deputy Kilgore and Deputy May in their individual capacities;
- Use of excessive force in violation of the Fourth Amendment by Sheriff Smith and Deputy May, in their individual capacities; Chief Miller, in his individual and official capacities; Officer Jackson, in his individual capacity; Webster County, Eupora, and Mathiston;
- Denial of medical care in violation of the Fourteenth Amendment by Sheriff Smith, Deputy Kilgore, and Deputy May, in their individual capacities; Officer Crenshaw, in his individual capacity; Chief Hunter and Chief Miller, in their individual and official capacities; Webster County, Eupora, and Mathiston
- State law claims based on Defendants' acts in reckless disregard relating to the arrest of Manus, with the exception of Officer Box who the Court has found to be immune pursuant to the MTCA;

- State law claims based on County Defendants' acts or omissions not within the course and scope of employment and not arising while Manus was in custody; AND
- State wrongful death claims brought by Miranda Manus on behalf of all wrongful death beneficiaries, based on Defendants' acts or omissions not within the course and scope of employment and not arising while Manus was in custody.

All other claims are dismissed with prejudice.

Additionally, the Court finds Municipal Defendants' Motion to Strike Errata Sheets [170] is MOOT, Defendants' Motions to Exclude Plaintiffs' Experts [166], [167], [283], [285], [287] are GRANTED IN PART and DENIED IN PART.

SO ORDERED, this the 31st day of March, 2014.

/s/ Sharion Aycock  
UNITED STATES DISTRICT JUDGE